

EXHIBIT 3

(Sought to be filed Under Seal)

From: Park, Ryuk <RPark@winston.com>
Sent: Tuesday, August 15, 2023 4:45 PM
To: Zhao, Yanan; Winston-Micron-Netlist; 'andrea@wsfirm.com'; ce@wsfirm.com; Wesley Hill
Cc: jtruelove@mckoolsmith.com; ~Baxter, Samuel; #Netlist-Micron [Int]
Subject: RE: Netlist v. Micron, No. 22-cv-203 | Micron Document Production

Yanan,

We disagree. As explained below, Micron has complied with the Court's July 26, 2023 Order.

(1) Micron has produced the "spreadsheet showing sales records" and "the individual(s) at those customers with whom Micron has negotiated the sales."

The court ordered production of "a spreadsheet showing sales records" including (1) "product number, product name, product type, any other tracked product identifier, date of each sale, volume, price, final customer, recipient, the country from which the product is shipped, the country to which the product is shipped" and "location of the customer" and (2) the individual(s) at those customers with whom Micron has negotiated the sale. The sales spreadsheet B1, which Micron produced includes each of these *on a transaction-by-transaction level*, as summarized below:

| Product Number | Product type | Other tracked product identifier | Date of each sale | Volume | Price | Final customer | Recipient | Shipped from country | Shipped to country | Location of customer | Individuals at customers with whom Micron negotiated sales |
|----------------|--------------|----------------------------------|-------------------|-----------|-----------------|----------------|---------------|----------------------|--------------------|----------------------|--|
| Column 2 | Column 3 | Column 4 | Column 1 | Column 14 | Columns 14 & 15 | Columns 9 & 10 | Columns 7 & 8 | Column 13 | Column 8 | Columns 4 & 5 | Column 12 |

Netlist is incorrect that Micron is withholding names of individuals at customers with whom Micron negotiated sales. To the contrary, Micron has provided every name that exists on its sales database. [REDACTED]

[REDACTED] Micron cannot produce what it does not have.

(2) Micron has produced the "spreadsheet showing sales records" and "costs of goods sold" and "margin."

The costs/profits spreadsheet B2 and B3 include this information on a quarterly basis and on product-group basis.

Netlist points out the difference in the total revenues between Micron's sales spreadsheet (B1) and Micron's costs/profits spreadsheet (B2). We are investigating the precise reasons behind the difference, but generally, those numbers will not be the same as they are not recorded/generated at the same level of granularity (e.g., quarterly).

Netlist is also incorrect that the order requires Micron to produce costs and profits information on a per-transaction or per-product level. [REDACTED]

Again, Micron cannot produce what it does not have. [REDACTED]

(3) Micron has produced qualification information including qualification information on HBMs

The qualification spreadsheet B4 includes all qualification activities conducted in the U.S. [REDACTED]

[REDACTED] herefore, Netlist is incorrect that Micron withheld qualification information for HBMs.

Ryuk

Ryuk Park

Of Counsel

Winston & Strawn LLP

T: +1 650-858-6500

D: +1 650-858-6440

M: +1 607-242-9789

F: +1 650-858-6550

winston.com



From: Zhao, Yanan <yzhao@irell.com>
Sent: Tuesday, August 15, 2023 8:51 AM
To: Park, Ryuk <RPark@winston.com>; Winston-Micron-Netlist <Winston-Micron-Netlist@winston.com>; 'andrea@wsfirm.com' <andrea@wsfirm.com>; ce@wsfirm.com; Wesley Hill <wh@wsfirm.com>
Cc: jtruelove@mckoolsmith.com; ~Baxter, Samuel <sbaxter@mckoolsmith.com>; #Netlist-Micron [Int] <Netlist-Micron@irell.com>
Subject: RE: Netlist v. Micron, No. 22-cv-203 | Micron Document Production

Counsel, please see attached for Netlist's motion to show cause why Micron should not be held in contempt for violating the court's July 26 order. Netlist intends to file the motion if Micron does not agree to address each of these identified deficiencies by the end of the day.

Best,
Yanan

Yanan Zhao

Associate

IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067
DID: 310-277-1010 | yzhao@irell.com

From: Park, Ryuk <RPark@winston.com>
Sent: Monday, August 14, 2023 1:33 PM
To: Zhao, Yanan <yzhao@irell.com>; Winston-Micron-Netlist <Winston-Micron-Netlist@winston.com>; 'andrea@wsfirm.com' <andrea@wsfirm.com>; ce@wsfirm.com; Wesley Hill <wh@wsfirm.com>
Cc: jtruelove@mckoolsmith.com; ~Baxter, Samuel <sbaxter@mckoolsmith.com>; #Netlist-Micron [Int] <Netlist-Micron@irell.com>
Subject: RE: Netlist v. Micron, No. 22-cv-203 | Micron Document Production

Hi Yanan,

We can meet and confer on the issues below. It looks like we inadvertently omitted HBM cost information, but will rectify that today. We produced the other information that you are referring to and can explain why during the conference. We are tied up right now in deposition preparation, but can discuss at 7 pm PT tonight or after Brent Keeth's deposition tomorrow. Please let us know your preference.

Thanks,

Ryuk

Ryuk Park

Of Counsel

Winston & Strawn LLP
T: +1 650-858-6500
D: +1 650-858-6440
M: +1 607-242-9789
F: +1 650-858-6550

winston.com



From: Zhao, Yanan <yzhao@irell.com>
Sent: Monday, August 14, 2023 12:29 PM
To: Winston-Micron-Netlist <Winston-Micron-Netlist@winston.com>; 'andrea@wsfirm.com' <andrea@wsfirm.com>; ce@wsfirm.com; Wesley Hill <wh@wsfirm.com>
Cc: jtruelove@mckoolsmith.com; ~Baxter, Samuel <sbaxter@mckoolsmith.com>; #Netlist-Micron [Int] <Netlist-Micron@irell.com>
Subject: RE: Netlist v. Micron, No. 22-cv-203 | Micron Document Production

Counsel,

Following up on the email below. Netlist also intends to seek leave with the court to file the motion in exceeding the page limit for discovery-related motions by 2 pages. Please immediately let us know if Micron opposes Netlist's motion to exceed the page limit.

Best,
Yanan

Yanan Zhao

Associate

IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067
DID: 310-277-1010 | yzhao@irell.com

From: Zhao, Yanan

Sent: Saturday, August 12, 2023 8:21 PM

To: Winston-Micron-Netlist <Winston-Micron-Netlist@winston.com>; 'andrea@wsfirm.com' <andrea@wsfirm.com>; ce@wsfirm.com; Wesley Hill <wh@wsfirm.com>

Cc: jtruelove@mckoolsmith.com; ~Baxter, Samuel <sbaxter@mckoolsmith.com>; #Netlist-Micron [Int] <Netlist-Micron@irell.com>

Subject: Netlist v. Micron, No. 22-cv-203 | Micron Document Production

Counsel, Micron failed to comply with the court's July 26, 2023 Order. Dkt. 123. By way of example:

1. Micron fails to produce documents or information identifying the price, cost of goods sold, and margin for "each of the Accused Products." Indeed Micron has not disclosed the relevant information for any of its accused HBM products.
2. To the extent Micron identified the gross profit and COGS for some of Micron's accused DDR4 LRDIMMs and DDR5 DIMMs in Exhibit B2 or Exhibit B3 attached to Micron's supplemental interrogatory responses, such data is incomplete. Micron failed to identify the information on a product-by-product or transaction-by-transaction basis for "each of the Accused Products." Further, Micron only identified its products by the design ID (e.g. [REDACTED]) instead of any part number. Micron has not provided a decoder to show the correlation between its each of its design IDs and Micron part numbers.
3. Micron has not produced documents relevant to the qualifications of its products. To the extent Micron contends that Exhibit B4 attached to Micron's supplemental interrogatory response discloses the relevant information, that's simply insufficient. For example, the Court specifically ordered Micron to produce information/documents showing "individual(s) at those customers with whom Micron has negotiated the sale." Micron failed to produce any documents or information disclosing them.

Micron should immediately address these deficiencies. Netlist intends to seek an order to show cause why Micron should not be held in contempt. If Micron opposes Netlist's motion, please let us know and provide your availability on Monday for a meet and confer.

Best,
Yanan

Yanan Zhao

Associate

IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067
DID: 310-277-1010 | yzhao@irell.com

PLEASE NOTE: This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient(s) is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system. Thank you.

The contents of this message may be privileged and confidential. If this message has been received in error, please delete it without reading it. Your receipt of this message is not intended to waive any applicable privilege. Please do not disseminate this message without the permission of the author. Any tax advice contained in this email was not intended to be used, and cannot be used, by you (or any other taxpayer) to avoid penalties under applicable tax laws and regulations.